

Executive Summary – Enforcement Matter – Case No. 49349

Casita Enterprises, Inc.

RN100215664

Docket No. 2014-1378-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Casita Enterprises, 3030 Southeast McKinney Street, near Rice, Navarro County

Type of Operation:

Travel trailer and camper manufacturing site

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: February 6, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$7,688

Amount Deferred for Expedited Settlement: \$1,537

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$6,151

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Unclassified

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: June 23, 2014

Date(s) of NOE(s): August 27, 2014

Executive Summary – Enforcement Matter – Case No. 49349
Casita Enterprises, Inc.
RN100215664
Docket No. 2014-1378-AIR-E

Violation Information

1. Failed to timely submit a semi-annual compliance report for the January 1, 2013 through June 30, 2013 reporting period. Specifically, the Respondent is subject to 40 CODE OF FEDERAL REGULATIONS (“CFR”) Part 63, Subpart WWWW and should have postmarked or delivered the semi-annual compliance report by July 31, 2013, but it was not delivered until August 29, 2013 [30 TEX. ADMIN. CODE § 113.1060, 40 CFR § 63.5910(b)(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to submit a semi-annual deviation report. Specifically, deviations were documented to have occurred during the July 1, 2013 through December 31, 2013 reporting period but a deviation report for this period was not submitted [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(B), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit No. O1802, General Terms and Conditions].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. On September 10, 2013, updated the environmental reporting requirements calendar to ensure that semi-annual compliance reports for all sources subject to 40 CFR Part 63, Subpart WWWW are submitted in a timely manner;
- b. On July 9, 2014, hired an information technology (“IT”) employee to incorporate an environmental reporting schedule and notification system into the existing IT system to ensure environmental reports, including deviation reports, are submitted in a timely and accurate manner; and
- c. On September 11, 2014, submitted an amended permit compliance certification and deviation report for the July 1, 2013 through December 31, 2013 certification period and reporting period to include the deviation for the semi-annual compliance report that was submitted late.

Technical Requirements:

N/A

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Docket No. 2014-1378-AIR-E

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Rachel Bekowies, Enforcement Division,
Enforcement Team 4, MC 149, (512) 239-2608; Candy Garrett, Enforcement Division,
MC 219, (512) 239-1456
TCEQ SEP Coordinator: N/A
Respondent: John Lang, President, Casita Enterprises, Inc., 5029 Southeast
McKinney Street, Rice, Texas 75155-9780
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	2-Sep-2014	PCW	24-Nov-2014	Screening	17-Sep-2014	EPA Due	
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RESPONDENT/FACILITY INFORMATION

Respondent	Casita Enterprises, Inc.		
Reg. Ent. Ref. No.	RN100215664		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	49349	No. of Violations	2
Docket No.	2014-1378-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Rachel Bekowies
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$7,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **20.0%** Enhancement **Subtotals 2, 3, & 7** \$1,500

Notes Enhancement for one order with a denial of liability.

Culpability No **0.0%** Enhancement **Subtotal 4** \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** -\$1,312

Economic Benefit **0.0%** Enhancement* **Subtotal 6** \$0

Total EB Amounts \$671
Estimated Cost of Compliance \$30,750
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$7,688

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$7,688

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$7,688

DEFERRAL **20.0%** Reduction **Adjustment** -\$1,537

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY \$6,151

Screening Date 17-Sep-2014

Docket No. 2014-1378-AIR-E

PCW

Respondent Casita Enterprises, Inc.

Policy Revision 4 (April 2014)

Case ID No. 49349

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100215664

Media [Statute] Air

Enf. Coordinator Rachel Bekowies

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 20%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for one order with a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 20%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 20%

Screening Date 17-Sep-2014

Docket No. 2014-1378-AIR-E

PCW

Respondent Casita Enterprises, Inc.

Policy Revision 4 (April 2014)

Case ID No. 49349

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100215664

Media [Statute] Air

Enf. Coordinator Rachel Bekowies

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 113.1060, 40 Code of Federal Regulations ("CFR") § 63.5910(b)(4), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to timely submit a semi-annual compliance report for the January 1, 2013 through June 30, 2013 reporting period. Specifically, the Respondent is subject to 40 CFR Part 63, Subpart WWW and should have postmarked or delivered the semi-annual compliance report by July 31, 2013, but it was not delivered until August 29, 2013.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 15.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

41 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,750

One single event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$937

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent completed corrective actions on September 10, 2013, prior to the August 27, 2014 Notice of Enforcement ("NOE").

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$3,563

This violation Final Assessed Penalty (adjusted for limits) \$3,563

Economic Benefit Worksheet

Respondent Casita Enterprises, Inc.
Case ID No. 49349
Reg. Ent. Reference No. RN100215664
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	31-Jul-2013	10-Sep-2013	0.11	\$3	n/a	\$3

Notes for DELAYED costs

Estimated cost to update the environmental reporting requirements calendar to ensure that semi-annual compliance reports for all sources subject to 40 CFR Part 63, Subpart WWWW are submitted in a timely manner. The Date Required is the date the semi-annual compliance report for the January 1, 2013 though June 30, 2013 reporting period was due. The Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$3

Screening Date 17-Sep-2014

Docket No. 2014-1378-AIR-E

PCW

Respondent Casita Enterprises, Inc.

Policy Revision 4 (April 2014)

Case ID No. 49349

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100215664

Media [Statute] Air

Enf. Coordinator Rachel Bekowies

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(B), Tex. Health & Safety Code § 382.085(b), and Federal Operating Permit No. O1802, General Terms and Conditions

Violation Description

Failed to submit a semi-annual deviation report. Specifically, deviations were documented to have occurred during the July 1, 2013 through December 31, 2013 reporting period, but a deviation report for this period was not submitted.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor
		X		

Percent 15.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

224 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$3,750

One single event is recommended.

Good Faith Efforts to Comply

10.0%

Reduction \$375

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		X
N/A		(mark with x)

Notes

The Respondent completed corrective actions on September 11, 2014, after the August 27, 2014 NOE.

Violation Subtotal \$3,375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$668

Violation Final Penalty Total \$4,125

This violation Final Assessed Penalty (adjusted for limits) \$4,125

Economic Benefit Worksheet

Respondent Casita Enterprises, Inc.
Case ID No. 49349
Reg. Ent. Reference No. RN100215664
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$250	30-Jan-2014	11-Sep-2014	0.61	\$1	\$10	\$11
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$30,000	30-Jan-2014	9-Jul-2014	0.44	\$658	n/a	\$658

Notes for DELAYED costs

Estimated costs to submit an amended permit compliance certification ("PCC") and deviation report for the July 1, 2013 through December 31, 2013 certification period and reporting period to include the deviation for the semi-annual compliance report that was submitted late and to hire an information technology ("IT") employee to incorporate an environmental reporting schedule and notification system into the existing IT system to ensure environmental reports, including deviation reports, are submitted in timely and accurate manner. The Date Required is the date the deviation report for the July 1, 2013 though December 31, 2013 reporting period was due. The September 11, 2014 Final Date is the date the amended PCC and deviation report were submitted. The July 9, 2014 Final Date is the date the IT employee was hired.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$30,250

TOTAL

\$668

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

PENDING Compliance History Report for CN600128250, RN100215664, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator: CN600128250, Casita Enterprises, Inc. **Classification:** SATISFACTORY **Rating:** 0.94

Regulated Entity: RN100215664, CASITA ENTERPRISES **Classification:** UNCLASSIFIED **Rating:** -----

Complexity Points: 11 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 3030 SOUTHEAST MCKINNEY STREET NEAR RICE, IN NAVARRO COUNTY, TEXAS 75155-9785

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER NB0063E

AIR OPERATING PERMITS PERMIT 1802

AIR NEW SOURCE PERMITS REGISTRATION 14227A

AIR NEW SOURCE PERMITS PERMIT 33199

AIR NEW SOURCE PERMITS ACCOUNT NUMBER NB0063E

AIR NEW SOURCE PERMITS AFS NUM 4834900025

STORMWATER PERMIT TXRNEP035

AIR EMISSIONS INVENTORY ACCOUNT NUMBER NB0063E

POLLUTION PREVENTION PLANNING ID NUMBER
P06616

Compliance History Period: September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

Date Compliance History Report Prepared: September 11, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 11, 2009 to September 11, 2014

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Rachel Bekowies

Phone: (512) 239-2608

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 10/31/2009 ADMINORDER 2009-0657-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.146(2)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:01802 OP
Description: Failure to submit a permit compliance certification within 30 days of the end of the certification period.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	August 27, 2010	(803695)
Item 2	June 07, 2011	(914117)
Item 3	May 23, 2013	(1086048)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CASITA ENTERPRISES, INC.
RN100215664

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2014-1378-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Casita Enterprises, Inc. ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a travel trailer and camper manufacturing site at 3030 Southeast McKinney Street near Rice, in Navarro County, Texas (the "Site").
2. The Site consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about September 1, 2014.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Seven Thousand Six Hundred Eighty-Eight Dollars (\$7,688) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Six Thousand One Hundred Fifty-One Dollars (\$6,151) of the administrative penalty and One Thousand Five Hundred

Thirty-Seven Dollars (\$1,537) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Site:
 - a. On September 10, 2013, updated the environmental reporting requirements calendar to ensure that semi-annual compliance reports for all sources subject to 40 CODE OF FEDERAL REGULATIONS ("CFR") Part 63, Subpart WWWW are submitted in a timely manner;
 - b. On July 9, 2014, hired an information technology ("IT") employee to incorporate an environmental reporting schedule and notification system into the existing IT system to ensure environmental reports, including deviation reports, are submitted in a timely and accurate manner; and
 - c. On September 11, 2014, submitted an amended permit compliance certification and deviation report for the July 1, 2013 through December 31, 2013 certification period and reporting period to include the deviation for the semi-annual compliance report that was submitted late.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Site, the Respondent is alleged to have:

1. Failed to timely submit a semi-annual compliance report for the January 1, 2013 through June 30, 2013 reporting period, in violation of 30 TEX. ADMIN. CODE § 113.1060, 40 CFR § 63.5910(b)(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 23, 2014. Specifically, the Respondent is subject to 40 CFR Part 63, Subpart WWWW and should have postmarked or delivered the semi-annual compliance report by July 31, 2013, but it was not delivered until August 29, 2013.
2. Failed to submit a semi-annual deviation report, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(B), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit No. 01802, General Terms and Conditions, as documented during an investigation conducted on June 23, 2014. Specifically, deviations were documented to have occurred during the July 1, 2013 through December 31, 2013 reporting period, but a deviation report for this period was not submitted.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Casita Enterprises, Inc., Docket No. 2014-1378-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Site operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be

copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Donna Davis J
For the Executive Director

3/25/15
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

[Signature]
Signature

1/8/15
Date

John Lang
Name (Printed or typed)
Authorized Representative of
Casita Enterprises, Inc.

President
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.